

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

ACHATES REFERENCE PUBLISHING, §  
INC. §

Plaintiff, §

vs. §

Case No. 2:09-CV-355(TJW)

BMC Software, Inc., et al §  
Defendants. §

JURY DEMAND REQUESTED

**AGREED STIPULATION OF DISMISSAL OF MCAFEE CORPORATION**

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff Achates Reference Publishing, Inc. (“Achates”) and Defendant McAfee Corporation (“McAfee”) stipulate and agree that the subject litigation, Civil Action No. 2:09-cv-355 should be dismissed with prejudice, with each party bearing its own costs and attorneys fees. The parties stipulate and agree that the Court shall retain continuing jurisdiction to enforce the terms of the settlement.

Dated: August 5, 2010

Respectfully submitted,

/s/ S. Calvin Capshaw

S. Calvin Capshaw

State Bar No. 03783900

Email: [ccapshaw@capshawlaw.com](mailto:ccapshaw@capshawlaw.com)

Elizabeth L. DeRieux

State Bar No. 05770585

Email: [ederieux@capshawlaw.com](mailto:ederieux@capshawlaw.com)

D. Jeffrey Rambin

State Bar No. 00791478

Email: [jrambin@capshawlaw.com](mailto:jrambin@capshawlaw.com)

Capshaw DeRieux, LLP

1127 Judson Road, Suite 220

P.O. Box 3999 (75601)

Longview, Texas 75606

Telephone: 903/236-9800

Facsimile: 903/236-8787

Robert Christopher Bunt  
State Bar No. 00787165  
Charles Ainsworth  
State Bar No. 00783521  
PARKER, BUNT & AINSWORTH, P.C.  
100 E. Ferguson, Suite 1114  
Tyler, TX 75702  
Telephone: 903/531-3535  
Facsimile: 903/533-9687  
E-mail: [rcbunt@pbatyler.com](mailto:rcbunt@pbatyler.com)  
E-mail: [charley@pbatyler.com](mailto:charley@pbatyler.com)

*Of Counsel:*

Vincent E. McGeary  
New Jersey State Bar No. 041681991  
GIBBONS P.C.  
One Gateway Center  
Newark, NJ 07102-5310  
Telephone: 973/596-4837  
Facsimile: 973/639-6477  
Email: [vmgeary@gibbonslaw.com](mailto:vmgeary@gibbonslaw.com)

Michael Cukor  
New York State Bar No. 3935889  
GIBBONS P.C.  
One Pennsylvania Plaza, 37<sup>th</sup> Floor  
New York, New York 10119-3701  
Telephone: 212/613-2013  
Facsimile: 212/554-9658  
Email: [mcukor@gibbonslaw.com](mailto:mcukor@gibbonslaw.com)

*Attorneys for Plaintiff,  
Achates Reference Publishing, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that the following counsel of record, who are deemed to have consented to electronic service are being served this 5th day of August, 2010, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ S. Calvin Capshaw

S. Calvin Capshaw